

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:19-cv-00474

Tracy E. Lilly,
Plaintiff,

v.

Dr. Loren Ost,
Defendant.

Before BARKER, *District Judge*

ORDER

On October 18, 2019, United States Magistrate Judge K. Nicole Mitchell ordered the plaintiff to file an amended complaint, within 30 days, showing a basis for federal court jurisdiction. Doc. 4. The plaintiff missed that deadline. On December 2, 2019, Judge Mitchell issued a report and recommendation that the complaint be dismissed without prejudice for failure to prosecute. Doc. 7. The court delivered a copy of the report to the plaintiff by certified mail. It was returned unclaimed on January 2, 2010. Doc. 8. No objections have been filed. When no party objects to a magistrate judge's report and recommendation within 14 days of service, the district court "need only satisfy itself that there is no clear error on the face of the record." *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996) (en banc) (quoting Fed. R. Civ. P. 72(b) advisory committee's note (1983)). Here, there is no clear error.

Therefore, the court **adopts** the magistrate judge's report and recommendation (Doc. 7). This action is **dismissed without prejudice** for failure to prosecute. Fed. R. Civ. P. 41(b). Any motion not previously ruled on is **denied as moot**.

So ordered by the court on January 8, 2020.



J. CAMPBELL BARKER
United States District Judge